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Governor's Message

TO

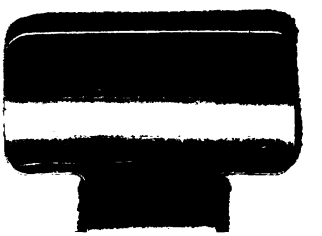
FOURTH LEGISLATIVE ASSEMBLY

OF THE

Territory of Oklahoma.

Delivered January 13, 1897.

GUTHRIE, O. T.
THE DAILY LEADER.
1897.



Oklahoma (Ter.) Governor.

Governor's Message

TO

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Governor's Message.

To the Fourth Legislative Assembly of the Territory of Oklahoma:

In compliance with the provision of the statute of the territory directing the governor at the commencement of each session of the legislature to communicate by message such information as he may possess relative to the condition of the territory, and to recommend such measures as he may deem expedient, the following is respectfully submitted.

Oklahoma is most fortunately located. The soil is so fertile and diversified that the cotton of the southern and the cereals of the central states are produced in equal abundance. This happy location is in part responsible for the slight effect here felt of the financial distress that now prevails in so many parts of the country. Many of the people are poor, and have had and are now having a hard struggle against the conditions that necessarily exist in the settlement of a new commonwealth. However, an examination of the expenditure of the poor fund made in the various counties shows that a remarkably small per cent. of the inhabitants are subjects of public charity. The people of Oklahoma are intelligent, courageous, energetic and frugal. You gentlemen are to be congratulated on being chosen to legislate in behalf of such a people. You also, coming fresh from among the people, are acquainted with their condition and familiar with their needs. Still it will not be out of place for me to suggest that much is expected of the Fourth Legislative Assembly. Many abuses exist that can be remedied by proper legislation.

The evil most apparent is high taxes. Complaint comes from every county, city and school district in the territory that the exactions of the tax-gatherer are not in keeping with the condition of the people. This condition is not only burdensome to the people, but it drives capital from the territory and is a bar against other coming in.

You, gentlemen, doubtless recognize the existence of this evil and will remedy it by wholesome legislation. The short period of sixty days limited for your sitting is hardly sufficient

to perform the labor expected at your hands, still I believe that each of you appreciates the responsible duties of your position, and will enter upon the discharge of your duties with an earnest desire and determination to accomplish the most possible good within the time given.

I trust that the relation between the executive and legislature may be most pleasant and friendly, and I assure you that it will be my pleasure, as it is my duty, to heartily co-operate with you in the enactment of all legislation that promises good to the territory.

Detailed information as to the condition of the territorial government and the various departments thereof, as well as the respective territorial institutions, is given in the several reports herewith transmitted.

AUDITOR'S REPORT.

The report of the auditor for the two years ending November 30, 1896, is hereto attached, marked exhibit "A." From this report it will be seen that the receipts from the three mill levy, authorized by statute, is insufficient to pay the general expenses of the territorial government. Your careful consideration is invited to the remedies suggested in this report for this condition, as well as the recommendation for the separation of the office of auditor and superintendent of public instruction. It is a fact worthy of public notice that the expenses of the territorial government in Oklahoma, with the single exception of Alaska, are not half so great as in any one of all the other territories.

It will be seen that the indebtedness consists of $48,000 of bonded debt, created for the university, normal school and agricultural college; $163,073.98 of general fund warrant indebtedness; $3,653.40 normal school warrant indebtedness and $5,630.23 library fund warrant indebtedness outstanding. This indebtedness, including the bonds, draws interest at 6 per cent. and the bonds mature in 1903, and the warrant indebtedness is subject to payment whenever the revenues of the territory are sufficient for that purpose. Under the rule adopted by the treasurer the warrants are paid in the order of their registration. The receipts derived from the lease of school lands, together with the one mill levy for 1896, for the normal school and territorial university will liquidate the debt of those institutions during 1897. The three mill levy now being collected on the valuation of 1896, $24,815,711, will yield a revenue of

about $75,000. About 80 per cent. of this amount will be paid promptly into the territorial treasury and applied to extinguishing of that amount of the floating debt, reducing the same to about $100,000. This is comparatively a very small indebtedness for a territory with the resources of Oklahoma, and compared with other territories is merely a trifle. A calculation will show that the entire indebtedness will be about fifty-four cents per capita.

TERRITORIAL TREASURER'S REPORT.

I herewith submit the third biennial report of the territorial treasurer, marked exhibit "B." A perusal of this report will disclose the fact that the total revenue of the territory from all sources, for the biennial period ending November 30, 1896, was $373,757.07, which, added to the balance on hand November 30, 1894, $7,585.95, makes a total of $381,342.02. The disbursements for the same period were $349,004.31, leaving a balance on hand belonging to the various funds of $32,337.71. The total amount of general fund warrants redeemed was $105,381.79, interest on same $9,368.78. The amount of territorial common school fund forwarded to county treasurers was $120,783.92. The territorial treasurer recommends that provision be made for the registration of all warrants and their payment in the order of registration. This recommendation is certainly in accordance with all precedent in such matters and should be enacted into law. Your attention is called to the very elaborate tables showing receipts and balances due from the counties on account of territorial tax for 1895, also tables showing the balances due from the several counties on account of territorial tax for the years 1891 to 1895, inclusive.

SCHOOL LANDS.

The report of the board for leasing school lands is herewith transmitted, marked exhibit "C." This report gives at length the transactions relating to school lands for the two years last past, and deals at some length with many of the intricate problems connected with the administration of that trust. A complete review of the various acts of congress and rules and regulations of the board is appended to the report, also detailed tables of receipts and expenditures, leased and vacant lands, and much other useful information.

During the two years last past the work in this department has been very heavy, requiring the services of from three to

five clerks. Every effort has been made to secure promptness and accuracy.

The Third Legislative Assembly, after considering the subject of the school lands at some length, and having had under discussion several bills, failed to pass any general bill on the subject but left the whole matter in the hands of the governor, secretary, and superintendent of public instruction, making provision simply for the leasing of certain western lands for grazing purposes. This left the board with the much discussed and vexed question of the renewal of leases unsolved so far as any legislation was concerned. However, they assumed the responsibility thus thrown upon them and proceeded with their work. An appraisement of all lands upon which leases were about to expire, save in a few western counties, also of all improvements on same, was made and leases were renewed to lessees at appraised values unless some other persons offered more than appraised value and to pay lessee the appraised value of their improvements. The operation of this regulation has, I believe, been generally satisfactory and mutually beneficial both to the school land fund and to the lessees. I therefore invite your attention both to the theory and actual results of this leasing.

The proceeds from leasing the school lands of the territory for the two years last past have been $179,551.60, while the net cash proceeds of all leases since the beginning have been $319,538.86. Of this $274,714.43 has been received since the beginning of this administration. These figures are certainly very remarkable and are, I believe, more than has ever been realized by any other state or territory out of the same amount of lands for the same period. It must not be inferred that this has been obtained by oppressing lessees, but has been realized merely by ordinary business methods as the legitimate commercial values of the lands. The prices paid in the past have been in the main those fixed by applicants when the lands were offered for lease to the highest bidder.

Pursuant to the act of the last legislative assembly authorizing a contract with D. A. Harvey for securing indemnity lands for the territory, lands have been selected by Mr. Harvey in the former Kickapoo Indian reservation to the amount of 101,-188 and 68-100 acres. These lands were immediately leased and are now yielding a handsome revenue to the territory.

Pursuant to an act of the last legislative assembly, all graz-

ing lands in Woodward county have been leased in large bodies at $33.00 per section. This is now yielding from this county alone six to eight thousand dollars per annum. Very few tracts in Beaver county have been leased, though efforts have been made to induce stockmen to lease the lands included within their ranges and pastures. An act giving authority to collect rental from persons using school lands without leases and making such use a misdemeanor would probably have a salutory effect.

Having been actively engaged in this work as a member of the Board for Leasing School Lands, I beg leave to submit a few general recommendations for the consideration of the legislative assembly.

No subject is of greater interest to the people or comes nearer their homes and firesides than that of the public school, and no subject with which your honored body will have to deal will be more eagerly watched by the people than this. The school fund is the heritage of the whole people and no act will tend more to make the Fourth Legislative Assembly forever dear to them than the passage of a just and equitable law preserving and maintaining this beneficent trust conferred upon the territory by congress for the education of the boys and girls of Oklahoma.

I would respectfully recommend the creation of the office of commissioner of public lands, who should have the immediate supervision of the leasing of all public lands of the territory and who should be responsible in the first instance for the proper conduct of the business and whose acts should be subject to review on appeal to a superior board of commissioners.

I would also recommend that all lands upon which leases are about to expire, together with improvements thereon, be appraised by appraisers to be appointed by the territorial officer having charge of the leasing, and that all appraisements be subject to review and revision and equalization by the territorial office.

That all lands be then officially offered for lease for not less than the appraised rental value, with privilege on the part of lessees to take the land at the highest rental offered by any responsible bidder, or, if the tenant so elect, he may require the party applying to lease to pay the tenant the appraised value of the improvements or the lessee may remove his improvements, and that all lands for which no applications are received

be leased to the highest bidder, without reserve, at not less than two-thirds the appraised rental value.

It would greatly facilitate the collection of rents due on school land leases if rents were made a lien on improvements and growing crops and the school land commissioner authorized to issue a rent warrant to the sheriff of any county in cases of delinquent payments.

I would respectfully recommend that the proceeds from leasing the lands reserved for public buildings be invested in territorial or county bonds at not greater than par value.

More detailed recommendations may be found in the report of the Board for Leasing School Lands, to which your attention is respectfully invited.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The report of the territorial superintendent of public instruction is hereto attached and marked "Exhibit D." It will be seen therefrom that the educational interests of the territory for the time covered by this report, have shown a continuous and gratifying progress. The school system of the territory is shown to be established on a sound basis, and with but slight alterations in the law, will be second to none in any of the states or territories of the Union. The total scholastic population of the territory for the year 1895 is given at 85,636, an increase over the preceding year of 7,866, or about ten per cent. For the year ending June 30, 1896, the scholastic population is reported at 88,507, an increase of 2,871, or about three per cent. over that for 1895. The superintendent estimates that the increase from now on will average about five per cent. per annum.

In the matter of attendance on the public schools the data given indicates that much progress has been made. During the year 1895, 57,674 pupils were enrolled in the public free schools, this number representing about 68 per cent of the scholastic population. During the year ending June 30, 1896, 63,686 pupils entered the public schools, representing 71 per cent. of the number of children of school age in the territory. During the year 1893, 33 per cent. were enrolled, and during the year 1894, 65 per cent. These figures speak for themselves, and indicate very clearly the progress that has been made.

TERRITORIAL UNIVERSITY.

The report of the board of regents of the territorial university is herewith transmitted, marked "Exhibit E." It is a matter of

congratulation that the territory has thus early in its history an educational institution of such proportions, being as it is, thoroughly equipped with buildings and laboratories, and having a corps of able and learned professors. The cause of higher education should always be kept well to the front, and the university receive, as I feel assured it always will, the hearty support of the legislature and the people.

TERRITORIAL NORMAL SCHOOL.

The report of the territorial normal school may be found with the report of the superintendent of public instruction, to whom by law the president of the normal school is required to report. The report shows the normal school to be in a flourishing condition, well equipped, having an excellent faculty and a large attendance of young men and women preparing for work in the schools of the territory. No effort should be spared to make the normal school the best in the land, and through it ultimately to supply a teacher, thoroughly trained, for every school district in the territory.

The colored students of the territory have not attended the normal school, not desiring to cause friction by presenting the mixed school question, and I deem it not only just and right but an imperative duty incumbent on the territory to provide proper facilities for educating colored students and supplying the colored schools of the territory with well trained and efficient teachers. I would, therefore, earnestly recommend that a branch normal school for their education be established at some convenient point in the territory, and that an appropriation ample to put the same into immediate operation be made.

AGRICULTURAL AND MECHANICAL COLLEGE.

I herewith transmit the report of the Board of Regents of the Agricultural and Mechanical College of Oklahoma, which is marked "Exhibit G," from which it will appear that the institution has made commendable progress in the two years past and is serving a very useful purpose, not only in educating the sons of farmers to a better knowledge of literature, science and art, and in the special department of agriculture, but has been a great aid to the practical farmer. Every effort is being made to bring the institution into closer relations to the farmer and put the results of scientific investigation in his hands for use in his every day work.

I desire to call the attention of the legislature to the important fact that the United States has not undertaken to supply

all the funds which are needed in investigation in agriculture, buildings, etc. And as the institution now stands in need of rooms for botanical, chemical and zoological laboratories, a suitable green house, and possibly a few other buildings, and as the Hatch Act provides for the expenditure of only $750.00 per year for the buildings, which is obviously inadequate for the needs of the growing station, I would recommend that at least $5,000 be appropriated for these purposes.

TERRITORIAL LIBRARIAN.

The report of the territorial librarian, which is herewith transmitted, marked "Exhibit H," makes a very creditable showing and is entitled to careful consideration. The redemption of warrants issued on the library fund is a matter which will need attention at your hand since the proceeds from the sale of statutes and reports have fallen far below what was anticipated and the proceeds have proven inadequate to meet the necessary expenses of this department. Your attention is invited to a joint resolution now pending in congress for the appropriation of five thousand dollars for the purchase of books for the territorial library. I trust that an appropriation adequate to meet the growing needs of the library and to provide rooms for the same may be made by the legislature.

MILITIA.

No report having been filed by the adjutant general, I am not prepared to make as extended a report of our militia as I would like and believe them entitled to. We have one regiment, well equipped and well drilled, as was fully demonstrated at our territorial encampment held at Guthrie in October last. I feel assured that with their splendid organization they will prove equal to any emergency which might arise at any time within the territory.

VETERINARY SURGEON.

By act of the Third Legislative Assembly, published as chapter 50, of the session laws of 1895, veterinary surgery was made a department of the Agricultural and Mechanical College, and an experienced person was elected to fill that place. The principal object of this enactment was to provide for the establishment of a quarantine line and to protect the stock-growing interests of the territory. This enactment has in the main proved satisfactory and great good has resulted there-

from; still the law is imperfect and should be remodeled so as to provide adequate punishment for its violation. The report of the veterinary surgeon is herewith transmitted and marked exhibit "J."

COAL OIL INSPECTOR.

By act of the Third Legislative Assembly the office of coal oil inspector was created. I transmit herewith the first biennial report of the inspector appointed under said act, marked exhibit "K." It seems that the working of this law has been beneficial in the main; still there is serious defect in the statute in that oils that have been inspected and found below the test prescribed by law are permitted to be sold, although they are branded by the inspector as rejected. It is recommended that section 11 of the act be amended so as to prohibit the sale of rejected oils and prescribe proper penalties for its violation.

TERRITORIAL BOARD OF HEALTH.

An elaborate report of the territorial board of health is here with transmitted and marked "Exhibit L," and your thoughtful consideration is invited to the same. Your attention is called to the recommendation for the amendment of section 352 of the Oklahoma statutes. As the law now stands there are two ways of becoming registered in order to be entitled to practice medicine in the territory. One is to present a diploma from a medical college and the other is to submit to an examination before the board of examiners. It seems to be desirable that only competent persons should be permitted to practice medicine and in order to accomplish this desire it is necessary that "medical college" as defined in the above section should be qualified so as to shut out the bogus diplomas, issued by certain colleges established for the sole purpose of selling diplomas.

BOARD OF DENTAL EXAMINERS.

The report of the board of dental examiners is herewith transmitted marked "Exhibit M." A list of registered dentists is given and several recommendations for changes in the existing laws are made to which your attention is respectfully invited.

HISTORICAL SOCIETY.

The report of the condition of the historical society marked "Exhibit N," is herewith transmitted. The report shows many

valuable collections made in the two years past and much historical matter preserved which would otherwise have been lost. The territory is to be congratulated upon having thus early in its history begun the preservation of matter which in many states was entirely lost. Complete files of newspapers have been kept and a very interesting and valuable collection of Indian relics, tribal history and general information as to Indians has been made which will make an interesting chapter in the history of Oklahoma. A liberal appropriation for the maintenance of this society will certainly commend itself to the people of the territory.

THE INSANE.

The Third Legislative Assembly passed an act, published as chapter 30 Session Laws of 1895, authorizing the governor to contract with responsible individuals or a private corporation for the care and treatment of the insane within the territory for a term not exceeding three years from the 15th day of June, 1895. Under authority of this statute a contract was entered into with the Oklahoma Sanitarium company, a private corporation. This company established an institution at Norman and furnished a building with all of the modern conveniences and have given the insane, as I think, better treatment than they received without the territory. The patients at that time confined at Jacksonville, Ill., were transferred to Norman and have been cared for there since that date. Under this contract there has been a saving of the transportation, which would have been a large item in the two years past, besides the large amount of money necessary for the support of these unfortunate people has been expended within the territory. The present contract expires June 15, 1898. As that is before the convening of the next legislature, it will be necessary to make provisions for the care of the insane after that date or authorize the making of a new contract.

The report of the superintendent, together with some recommendations as to a change in the law, is herewith submitted and marked "Exhibit O." From this report it will be seen that there are at present 126 persons in this institution.

I recommend that each county be required to pay the expense of transportation of their insane to the asylum instead of the territory.

The act above referred to also authorized the governor to contract for the care of the deaf and dumb, but no appropriation was

made to enable this authority to be exercised. Nothing could be done under it. Appropriation should be made for the care of this class of the unfortunate, as well as the unfortunate blind.

PRISONERS.

The prisoners of the territory are confined, under contract. in the Kansas state penitentiary, located at Lansing. The price paid by the territory for the maintenance of each prisoner is 25 cents per day, and the territory pays for the transportation of the prisoners to the penitentiary, also furnishes the prisoner when discharged a suit of clothes valued at $20.00 and $5.00 in money. It appears from the report of the warden, marked "Exhibit P" that he has now in his charge 113 convicts from this territory. I desire to renew the recommendation made to the last legislative assembly that some provision be made for allowing prisoners credit on their terms of sentence on account of good behavior. Such an enactment is to be found in the statutes of almost every state in the Union. It encourages good conduct on the part of the prisoner and I recommend that you promptly pass an act of this character.

REPRIEVES, COMMUTATIONS AND PARDONS.

As required by section 5510, chapter 60 of the statutes, there is transmitted herewith, marked "Exhibit Q" a statement of the reprieves, commutations and pardons granted during the two years last past. In explanation of the extent of this list it is proper to state that in nearly every instance the pardon was granted near the expiration of the term, and in each case was made on the recommendation of the warden of the prison and on account of good conduct of the prisoner, and at the time when the term of the sentence would have expired if the law of Kansas, where the prisoners are confined, allowing credit on term for good conduct, had been in force in this territory.

INCORRIGIBLE YOUTH.

The act of March 8, 1895, authorizing the Governor, until such time as a reform school should be established in the territory, to contract with the proper authorities of some other state or territory for the punishment and education of youthful offenders and incorrigible youths under the age of sixteen years. Quite an extensive correspondence was carried on in the endeavor to make a contract as specified in this law, but it

was discovered that the statutes of the several states prohibit the authorities of the several institutions contracting for the keeping of any offenders from without the state. Some private institutions proposed to make a contract, but on such terms that I did not deem it advisable, as the expense to the territory would have been very great in fulfilling the terms of the contract. If this act was changed so as to authorize the making of a contract with some person within the territory, it is more than probable that satisfactory arrangements could be made for the punishment and education of this class of offenders.

FREE HOME LEAGUE.

By act of the Third Legislative Assembly, $500 was appropriated to the Free Home League to aid in the work of that organization, a report of the expenditure of which is herewith transmitted, marked "Exhibit R." The object of this organization is familiar to all, and has the unquestioned support of the people of Oklahoma. The claim of the people is founded in justice and supported by a heretofore almost uniform practice of the government of the United States. No subject with which the people of Oklahoma have to deal is of greater importance than this, and perhaps upon no other does our future prosperity so much depend. With the enormous burden imposed upon the people of the territory by the present laws of the United States, the resources of the territory for several years to come will be sapped to meet payments into the treasury of the United States, which will amount in the aggregate to $16,044,342.39.

Very few farmers will be able to lay aside a sum adequate to meet the payment required by present laws and the inevitable consequence will be that the farms of Oklahoma must be plastered with mortgages and the legitimate profits of the husbandman paid into the pockets of the money-lender by way of interest. Anything the legislature may do by way of memorial to congress, would be an acceptable service to the people of the territory rendered in a just cause.

UNIFORMITY OF LEGISLATION.

By an act of the Third Legislative Assembly the governor was authorized to appoint, by and with the consent of the council, three commissioners to be known as "Commissioners for the Promotion of Uniformity of Legislation in the United States." The laudable object of this commission was to work in connection with similar commissions in other states and territories.

I beg to submit herewith as one of the results of the work of this commission a general act relative to negotiable instruments. The legislatures of the various states and territories in the United States will be asked to enact this bill into law. Argument is unnecessary to demonstrate that it would not only be desirable but useful as well to have the same laws governing negotiable instruments in the several states and the passage of this act is respectfully recommended.

In this connection I also desire to transmit herewith the resolution passed by the Territorial Bar Association and endorsed by the supreme court of the territory, marked "Exhibit T," asking for certain specific changes in the statute law of the territory, looking to the better government of the counties and sub-divisions thereof, and a more economical administration of the public affairs of the territory. These recommendations, coming from the source they do and endorsed as they are, are entitled to your thoughtful consideration. It is estimated that if enacted into laws the recommendations herein made would reduce the expenses of the county government in the various counties of the territory at least one-half. The recommendations made meet my hearty approval and I hope to see the most, if not all, of them enacted into laws. Your attention is particularly invited to the recommendation to abolish the office of township assessor and township board of equalization and creating the office of county assessor and enlarging the powers of the county board of equalization. It will be readily seen that if this resolution was enacted into law it would be a great saving of expense and would insure a more equitable and just assessment of property throughout the territory.

RECOMMENDATIONS.

It is earnestly recommended that chapter 26 of the session laws be so amended as to make the law effective, and to protect the game and fish within the territory. It is suggested that providing for a game warden, without salary except the penalties that might be collected from parties violating the law, would be an easy solution of the question.

The statute authorizing the district judges to appoint attorneys to defend pauper criminals and making the county liable for the fees should be repealed, so far as the liability of the county is concerned.

Chapter 7, entitled "Bank Depositors," should be so amended as to require from all private banking institutions in the terri-

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